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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re SEQUENOM, INC.  
STOCKHOLDER LITIGATION

Lead Case No. 16-cv-02054-JAH-BLM

CLASS ACTION

This Document Relates To:

ALL ACTIONS.

NOTICE OF RECENT AUTHORITY  
IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS

1 TO: THE COURT, DEFENDANTS AND THEIR COUNSEL OF RECORD

2 Plaintiff respectfully submits the Northern District of California's decision on  
3 remand in *Emulex* (Ex. A). In the decision, the Northern District of California held,  
4 among other things, that: (1) "[n]egligence is not a state of mind, but a standard of  
5 care" so that the PSLRA's heightened standard for pleading a state of mind did not  
6 apply (Ex. A at 20); and (2) *Zucco Partners*' "highly unreasonable" standard was not  
7 applicable to pleading a material omission under Section 14(e) (Ex. A at 13).<sup>1</sup>

8 Previous submissions from both parties have discussed the issues in *Emulex*  
9 such that this short, non-adversarial notice should be sufficient to alert the Court of  
10 this decision. Should Defendants submit a response that delves into substantive  
11 argument, Plaintiff reserves all rights to respond accordingly.

12 DATED: March 2, 2020

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<sup>1</sup> See Plaintiff's Supplemental Brief on the Issue of Whether the Consolidated Amended Class Complaint Adequately Pleads Negligence (ECF No. 98), at 1-2 & fn. 3 (arguing same).

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on March 2, 2020, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/David A. Knotts  
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**Mailing Information for a Case 3:16-cv-02054-JAH-BLM Malkoff v. Sequenom, Inc. et al****Electronic Mail Notice List**

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